

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

Date Filed

13-CA-128629

5/13/2014

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer (1) McDonald's/5153 West Chicago Avenue and (2) McDonald's USA, LLC, joint employers		Tel. No. (1) 773-287-4687 (2) 800-244-6227	
		c. Cell No.	
		f. Fax No.	
d. Address (Street, city, state, and ZIP code) (1) 5153 West Chicago Avenue, Chicago, IL 60651 (2) 2111 McDonald's Drive, Oak Brook, IL 60523		e. Employer Representative (1) (b) (6), (b) (7)(C)	
		g. e-Mail	
		h. Number of workers employed (1) Approx. 50, (2) 100,000+	
Type of Establishment (factory, mine, wholesaler, etc.) Restaurant		j. Identify principal product or service Fast food	

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the last six months, and particularly within the last several days, the joint employers threatened employees with discipline if they participated in a strike or engaged in other protected, concerted activities, interrogated employees about their own support for the Union and Union support among their co-workers, and solicited grievances, all in an effort to restrain and coerce employees in the exercise of protected rights.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Workers Organizing Committee of Chicago

4a. Address (Street and number, city, state, and ZIP code)

850 West Jackson, Suite 275
Chicago, IL 60607

4b. Tel. No.

(b) (6), (b) (7)(C)

4c. Cell No.

4d. Fax No.

312-243-4731

4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By

(signature of representative or person making charge)

Barry M. Bennett, Lawyer

(Print/type name and title or office, if any)

Tel. No.

312-372-1361

Office, if any, Cell No.

Fax No.

312-372-6599

e-Mail

bbennett@dbb-law.com

Dowd Bloch Bennett & Cervone

Address 8 South Michigan Avenue, 19th Floor, Chicago, IL 606035/13/14
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Cases

Case Number	Case Name	File	Date Filed	Status	IA Category	Charging Party/Petitioner	Blocked	Hot Topics	Dispute/Unit City	Dispute/Unit State	Charged Party/Employer	No. 8(b)(2) Discriminatees	No. 8(a)(3) Discriminatees	No. of Employees on Petition/Charge	Description	Inquiry Id	Type	Sub Type	Team	Field Agent	Field Supervisor	Barg Status	Closed Reason	Date Closed	Mc
13-CA-126312	(1) Lofton & Lofton Management V. Inc d/b/a McDonald's/23 N Western Avenue and (2) McDonald's USA, LLC, joint employers	Case File	4/10/2014	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA, LLC			100,000		(b) (5), (b) (7)(C)	C	CA	JPROKOP	JPROKOP	RPAZ	None			
13-CA-124993	McDonald's USA, LLC	Case File	3/21/2014	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA, LLC			60			C	CA	JPROKOP	JPROKOP	RPAZ	None	Withdrawal Non-adjusted	5/2/2014	
13-CA-124812	(1) McDonald's/1004 West Wilson and (2) McDonald's Corporation, joint employers	Case File	3/19/2014	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's Corporation			140,000			C	CA	JPROKOP	JPROKOP	RPAZ	None			
13-CA-124813	(1) McDonald's/2707 North Milwaukee and (2) McDonald's Corporation, joint employers	Case File	3/19/2014	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's Corporation			100,055			C	CA	JPROKOP	JPROKOP	RPAZ	None			
13-CA-124488	Karavites McDonald's and McDonald's USA, LLC, named as joint employers	Case File	3/14/2014	Open	2	Workers Organizing Committee of Chicago	No		River Forest	IL	Karavites McDonald's		2	30			C	CA	CSCHLABO	CSCHLABO	KGIANOPU	None			*
13-CA-124362	McDonald's/McDonald's Corporation, joint employers	Case File	3/13/2014	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's		5	60			C	CA	CSCHLABO	CSCHLABO	KGIANOPU	None	Withdrawal Adjusted	3/25/2014	
13-CA-124213	(1) McDonald's/9211 S Commercial and (2) McDonald's USA, LLC, named as joint employers	Case File	3/11/2014	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA, LLC		5	50			C	CA	ECORTEZ	ECORTEZ	RPAZ	None			
13-CA-123916	V. Oviedo, Inc d/b/a McDonald's/2707 N Milwaukee and McDonald's USA, LLC, joint employers	Case File	3/6/2014	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA, LLC		1	50			C	CA	JPROKOP	JPROKOP	RPAZ	None			
13-CA-123699	Kandice Enterprises d/b/a McDonald's/70 E Garfield and McDonald's USA, LLC, named as joint employers	Case File	3/4/2014	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA, LLC			60			C	CA	JPROKOP	JPROKOP	RPAZ	None			
13-CA-121759	McDonald's Restaurants of Illinois, Inc d/b/a McDonald's/2005 W Chicago Avenue and McDonald's USA, LLC, named as joint employers	Case File	2/3/2014	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's Corporation		0	60			C	CA	JPROKOP	JPROKOP	RPAZ	None			
13-CA-119015	V. Oviedo, Inc., d/b/a McDonald's/2707 N Milwaukee and McDonald's Corporation, joint employers	Case File	12/13/2013	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's Corporation			140,000			C	CA	JPROKOP	JPROKOP	RPAZ	None			
13-CA-118689	McDonald's	Case File	12/10/2013	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	Kandice Enterprises d/b/a McDonald's/70 E Garfield			60			C	CA	JPROKOP	JPROKOP	RPAZ	None	Withdrawal Non-adjusted	2/5/2014	
13-CA-118690	McDonald's/23 N Western Avenue and McDonald's Corporation, named as joint employers as to the subject of this charge	Case File	12/10/2013	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's Corporation			100,060			C	CA	JPROKOP	JPROKOP	RPAZ	None			
13-CA-118691	McDonald's/2005 W Chicago and McDonald's Corporation, named as joint employers as to the subject of this charge	Case File	12/10/2013	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's Restaurants of Illinois, Inc d/b/a McDonald's/2005 W Chicago Avenue			100,060			C	CA	JPROKOP	JPROKOP	RPAZ	None			
13-CA-118598	McDonald's	Case File	12/9/2013	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's			35			C	CA	JPROKOP	JPROKOP	RPAZ	None	Withdrawal Non-adjusted	2/5/2014	
	(1) McDonald's																								

(b) (7)(E)

Case Number	Case Name	File	Date Filed	Status	IA Category	Charging Party/ Petitioner	Blocked	Hot Topics	Dispute/Unit City	Dispute/ Unit State	Charged Party/Employer	No. 8(b)(2) Discriminatees	No. 8(a)(3) Discriminatees	No. of Employees on Petition/Charge	Description	Inquiry Id	Type	Sub Type	Team	Field Agent	Field Supervisor	Barg Status	Closed Reason	Date Closed	Nr
13-CA-117083	Restaurants of Illinois, Inc d/b/a McDonald's/2005 W Chicago Avenue and (2) McDonald's USA, LLC, named as joint employers	Case File	11/14/2013	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA, LLC		1	60		(b) (6), (b) (7)(C)	C	CA	JPROKOP	JPROKOP	RPAZ	None			
13-CA-115647	(1) V. Oviedo, Inc d/b/a McDonald's/2707 N Milwaukee and (2) McDonald's Corporation, named as joint employers	Case File	10/25/2013	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's Corporation			50			C	CA	JPROKOP	JPROKOP	RPAZ	None			
13-CA-113821	McDonald's	Case File	9/20/2013	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's		1	35			C	CA	JPROKOP	JPROKOP	RPAZ	None	Withdrawal Non-adjusted	12/30/2013	
13-CA-113837	Wright Management, Inc. d/b/a Rock-N-Roll McDonald's and McDonald's Corporation, joint employers	Case File	9/20/2013	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's Corporation		1	150			C	CA	JPROKOP	JPROKOP	RPAZ	None			
13-CA-112220	Wright Management, Inc d/b/a Rock-N-Roll McDonald's	Case File	8/28/2013	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	Wright Management, Inc d/b/a Rock-N-Roll McDonald's			200			C	CA	JPROKOP	JPROKOP	RPAZ	None	Withdrawal Non-adjusted	9/30/2013	
13-CA-112046	Wright Management, Inc d/b/a Rock-N-Roll McDonald's	Case File	8/26/2013	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	Wright Management, Inc d/b/a Rock-N-Roll McDonald's		1	200			C	CA	JPROKOP	JPROKOP	RPAZ	None	Withdrawal Non-adjusted	9/30/2013	
13-CA-107668	(1) Wright Management, Inc d/b/a Rock-N-Roll McDonald's (2) McDonald's Corporation, named as joint employers	Case File	6/20/2013	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's Corporation		1	200			C	CA	JPROKOP	JPROKOP	PHITTERM	None			
13-CA-106490	(1) Karavites Restaurants 11102 LLC, d/b/a McDonald's/201 N Clark and (2) McDonald's Corporation, named as joint employers	Case File	6/4/2013	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's Corporation		2	25			C	CA	JPROKOP	JPROKOP	PHITTERM	None			
13-CA-106493	(1) RMC Loop Enterprises, LLC, d/b/a McDonald's/23 S Clark and (2) McDonald's Corporation, named as joint employers	Case File	6/4/2013	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's Corporation			25			C	CA	JPROKOP	JPROKOP	PHITTERM	None			
13-CA-106491	(1) Karavites Restaurants 26, Inc. d/b/a McDonald's/10 E Chicago and (2) McDonald's Corporation, named as joint employers	Case File	6/4/2013	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's Corporation		1	30			C	CA	JPROKOP	JPROKOP	PHITTERM	None			
13-CA-105770	Wright Management, Inc d/b/a Rock-N-McDonald's	Case File	5/23/2013	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	Wright Management, Inc d/b/a Rock-N-Roll-McDonald's		1	50			C	CA	JPROKOP	JPROKOP	PHITTERM	None	Withdrawal Non-adjusted	6/27/2013	
13-CA-103524	Karavites Restaurants 26, Inc d/b/a McDonald's	Case File	4/23/2013	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	Karavites Restaurants 26, Inc d/b/a McDonald's			30			C	CA	JPROKOP	JPROKOP	PHITTERM	Organizational Campaign	Withdrawal Non-adjusted	6/6/2013	
13-CA-103525	RMC Loop Enterprises, LLC d/b/a McDonald's	Case File	4/23/2013	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	RMC Loop Enterprises LLC d/b/a McDonald's			25			C	CA	JPROKOP	JPROKOP	PHITTERM	None	Withdrawal Non-adjusted	6/6/2013	
13-CA-103612	Wright Management, Inc d/b/a Rock-N-Roll-McDonald's	Case File	4/23/2013	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	Wright Management, Inc d/b/a Rock-N-Roll-McDonald's			75			C	CA	JPROKOP	JPROKOP	PHITTERM	None	Withdrawal Non-adjusted	5/23/2013	
13-CA-103617	Karavites Restaurants 11102, LLC d/b/a McDonald's	Case File	4/23/2013	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	Karavites Restaurants 11102, LLC d/b/a McDonald's			25			C	CA	JPROKOP	JPROKOP	PHITTERM	None	Withdrawal Non-adjusted	6/6/2013	

(b) (7)(E)

Case Number	Case Name	File	Date Filed	Status	IA Category	Charging Party/ Petitioner	Blocked	Hot Topics	Dispute/Unit City	Dispute/Unit State	Charged Party/Employer	No. 8(b)(2) Discriminates	No. 8(a)(3) Discriminates	No. of Employees on Petition/Charge	Description	Inquiry Id	Type	Sub Type	Team	Field Agent	Field Supervisor	Barg Status	Closed Reason	Date Closed	Nr
13-CA-100471	McDonald's Corporation	Case File	3/15/2013	Closed	3	JACOB D KOSARKO	No		Hammond	IN	MCDONALD'S CORPORATION			60		(b) (6), (b) (7)(C)	C	CA	DFLATTE	DFLATTE	RPAZ	None	Withdrawal Non-adjusted	5/1/2013	

(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
209 S La Salle St Ste 900
Chicago, IL 60604-1443

Agency Website: www.nlr.gov
Telephone: (312)353-7570
Fax: (312)886-1341



Download
NLRB
Mobile App

May 14, 2014

(b) (6), (b) (7)(C)

McDonald's
5153 West Chicago Avenue
Chicago, IL 60651

McDonald's USA, LLC
2111 McDonald's Drive
Oak Brook, IL 00523

Re: McDonald's/5153 West Chicago Avenue and
McDonald's USA, LLC joint employers
Case 13-CA-128629

Dear Mr. Lofton:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner JANA C. PROKOP whose telephone number is (312)353-8613 and whose e-mail address is jana.prokop@nlrb.gov. If this Board agent is not available, you may contact Supervisor Field Examiner JOYCE A. HOFSTRA whose telephone number is (312)353-7609.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge by May 27, 2014. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'P. Ohr', with a long horizontal line extending to the right.

PETER SUNG OHR
Regional Director

bz

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

Revised 3/21/2011

NATIONAL LABOR RELATIONS BOARD

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

McDonald's/5153 West Chicago Avenue and McDonald's USA, LLC joint employers

CASE NUMBER

13-CA-128629

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7. A. PRINCIPAL LOCATION:

B. BRANCH LOCATIONS:

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$

YES NO

B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$

H. Gross Revenues from all sales or performance of services (Check the largest amount)

☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: _____

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**MCDONALD'S/5153 WEST CHICAGO AVENUE
AND MCDONALD'S USA, LLC JOINT
EMPLOYERS**

Charged Party

and

**WORKERS ORGANIZING COMMITTEE OF
CHICAGO**

Charging Party

Case 13-CA-128629

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on May 14, 2014, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

McDonald's
5153 West Chicago Avenue
Chicago, IL 60651

McDonald's USA, LLC
2111 McDonald's Drive
Oak Brook, IL 00523

May 14, 2014

Date

Brendan Zarling , Designated Agent of
NLRB

Name

Brendan Zarling

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
209 S La Salle St Ste 900
Chicago, IL 60604-1443

Agency Website: www.nlrb.gov
Telephone: (312)353-7570
Fax: (312)886-1341

May 14, 2014

Workers Organizing Committee of Chicago
850 W Jackson
Ste 275
Chicago, IL 60607

Re: McDonald's/5153 West Chicago Avenue
and McDonald's USA, LLC joint employers
Case 13-CA-128629

Dear Sir or Madam:

The charge that you filed in this case on May 14, 2014 has been docketed as case number 13-CA-128629. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner JANA C. PROKOP whose telephone number is (312)353-8613 and whose e-mail address is jana.prokop@nlrb.gov. If the Board agent is not available, you may contact Supervisor Field Examiner JOYCE A. HOFSTRA whose telephone number is (312)353-7609.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

McDonald's/5153 West Chicago Avenue - 2 - May 14, 2014
and McDonald's USA, LLC joint
employers
Case 13-CA-128629

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to be "P. Sung", with a long horizontal line extending to the right.

PETER SUNG OHR
Regional Director

bz

Enclosures:

cc: Barry M. Bennett, ESQ., Attorney at Law
Dowd, Bloch, Bennett & Cervone
8 S Michigan Ave
Fl 19
Chicago, IL 60603-3315

From: [Barry Bennett](#)
To: [Prokop, Jana C.](#)
Subject: Re: 13-CA-128629 McDonald's at 5153 W Chicago
Date: Thursday, May 22, 2014 12:12:30 PM

I think in terms of addresses and member names not case numbers anyway, Jana. We're working on getting (b) (6), (b) (7)(C) scheduled for one of the days next week that you said would work.

On Thu, May 22, 2014 at 11:09 AM, Prokop, Jana C. <Jana.Prokop@nlrb.gov> wrote:

I mean this is for case number 13-CA-128629 (instead of 89).

From: Prokop, Jana C.
Sent: Wednesday, May 21, 2014 3:24 PM
To: 'Barry Bennett'
Subject: 13-CA-128689 McDonald's at 5153 W Chicago

Hi Barry –

I got your voice mail that you'll let me know about (b) (6), (b) (7)(C) availability. Let's try to get (b) (6), (b) (7)(C) in by the latest (b) (6), (b) (7)(C) (That will be 2 weeks and 3 days after filing of the charge.) I could see (b) (6), (b) (7)(C) on the (b) (6), (b) (7)(C) I could also see (b) (6), (b) (7)(C) tomorrow (not during the affidavit we've got scheduled for the other case) or Friday after a morning agenda, probably as early as 11am. If we can't get (b) (6), (b) (7)(C) in by then, I'll ask you to withdraw and refile when (b) (6), (b) (7)(C) ready. I don't want to be in the same situation again as with 124812 and have this case go past the disposition date. I've been told to remind the union that presentation of witnesses should occur within 2 weeks of the filing of the charge. Anyhow, hope we can get (b) (6), (b) (7)(C) in by then. As is usual, let me know (b) (6), (b) (7)(C). Thanks!

Jana Prokop

Field Examiner

National Labor Relations Board, Region 13

209 S LaSalle Street - Suite 900

Chicago, IL 60604

[312-353-8613](tel:312-353-8613) (p) | [312-886-1341](tel:312-886-1341) (f)

<http://www.nlr.gov>

--

BARRY M. BENNETT

DOWD, BLOCH, BENNETT & CERVONE

8 South Michigan Avenue | 19th Floor | Chicago, IL 60603

Phone 312.372.1361 | Fax 312.372.6599

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify Dowd, Bloch, Bennett & Cervone (office@dbb-law.com). Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Dowd, Bloch, Bennett & Cervone. Finally, the recipient should check this email and any attachments for the presence of viruses. Dowd, Bloch, Bennett & Cervone accepts no liability for any damage caused by any virus transmitted by this email.

From: [Steve Rufo](#)
To: [Prokop, Jana C.](#)
Cc: [Barry Bennett](#)
Subject: Re: (b) (6), (b) (7)(C)
Date: Thursday, May 29, 2014 12:19:44 PM

Thanks Jana!

On Thu, May 29, 2014 at 10:53 AM, Prokop, Jana C. <Jana.Prokop@nlrb.gov> wrote:

No problem. I will call (b) (6), (b) (7)(C) first and then once (b) (6), (b) (7)(C) is there, Barry, I'll give you a call or e-mail, whichever you prefer.

From: Steve Rufo [mailto:steve@fightfor15.org]
Sent: Thursday, May 29, 2014 10:38 AM
To: Prokop, Jana C.
Cc: Barry Bennett
Subject: Re: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) is going to go there and make sure (b) (6), (b) (7)(C) meets with you but obviously not sit in. (b) (6), (b) (7)(C) number is

(b) (6), (b) (7)(C). Can you call (b) (6), (b) (7)(C) when you arrive so (b) (6), (b) (7)(C) knows who you are?

Thanks!

Sent from my iPhone

On May 29, 2014, at 10:22 AM, "Prokop, Jana C." <Jana.Prokop@nlrb.gov> wrote:

Sure, Barry. Should I call or e-mail you?

From: Barry Bennett [mailto:bbennett@dbb-law.com]
Sent: Thursday, May 29, 2014 10:04 AM
To: Prokop, Jana C.
Cc: Steve Rufo
Subject: Re: (b) (6), (b) (7)(C)

That's correct, Jana, and we'll ask (b) (6), (b) (7)(C) to get across the street as soon as (b) (6), (b) (7)(C) can.

Can you touch base with e once you and (b) (6), (b) (7)(C) are together?

Thanks.

Barry

On Thu, May 29, 2014 at 9:45 AM, Prokop, Jana C. <Jana.Prokop@nlrb.gov> wrote:

Hi Barry –

I hadn't checked my e-mail yesterday as I was off. I will be at the DD across from the McD's at 5153 W Chicago at (b) (6), (b) (7)(C) today as I suspect if it's across the street, (b) (6), (b) (7)(C) get there sooner than 3pm. (b) (6), (b) (7)(C), right?

-Jana

From: Barry Bennett [mailto:bbennett@dbb-law.com]
Sent: Thursday, May 29, 2014 7:41 AM
To: Prokop, Jana C.
Cc: Steve Rufo
Subject: Re: (b) (6), (b) (7)(C)

Hi Jana,

We have (b) (6), (b) (7)(C) ready for the meeting this afternoon at 3, after (b) (6), (b) (7)(C) gets off work, and hope that's ok for you. Please Reply All when you can so Steve can let (b) (6), (b) (7)(C) know if it's still a go. Call or email if you need anything else with me.

Thanks.

Barry

On Wed, May 28, 2014 at 8:43 AM, Barry Bennett <bbennett@dbb-law.com> wrote:

Jana,

As you'll see, [REDACTED] is available tomorrow by 3 at DD across from the McD, 5153 W. Chicago. I hope that will work, at least to get started. Please Reply All so Steve stays in the loop. Thanks.

Barry

----- Forwarded message -----
From: **Steve Rufo** <steve@fightfor15.org>
Date: Wed, May 28, 2014 at 8:18 AM
Subject: Re: [REDACTED]
To: Barry Bennett <bbennett@dbb-law.com>

Ok [REDACTED] gets out of work tomorrow at 2:30. Can Jana meet [REDACTED] then at that Dunkin'?

Sent from my iPhone

On May 28, 2014, at 7:57 AM, Barry Bennett <bbennett@dbb-law.com> wrote:

No. Today is the only week Jana is not available.

On Wed, May 28, 2014 at 7:56 AM, Steve Rufo
<steve@fightfor15.org> wrote:

Is it possible for them to meet [REDACTED] today at 3 at 5153 W Chicago at the Dunkin Donuts across from McDonalds? If not, I'll check on today and tomorrow

Sent from my iPhone

> On May 27, 2014, at 10:12 PM, Barry Bennett <bbennett@dbb-law.com> wrote:
>
> Thursday after 9:30 or Friday. Field preferred, maybe downtown if
> necessary. Lemme know tomorrow if you can.
>
> Sent from my iPhone
>
> --
>
>
>
> This email and any files transmitted with it are confidential and intended
> solely for the use of the individual or entity to whom they are addressed.
> If you have received this email in error, please notify Dowd, Bloch,
> Bennett & Cervone (office@dbb-law.com). Please note that any views or
> opinions presented in this email are solely those of the author and do not
> necessarily represent those of Dowd, Bloch, Bennett & Cervone. Finally,
> the recipient should check this email and any attachments for the presence
> of viruses. Dowd, Bloch, Bennett & Cervone accepts no liability for any
> damage caused by any virus transmitted by this email.

--

BARRY M. BENNETT
DOWD, BLOCH, BENNETT & CERVONE
8 South Michigan Avenue | 19th Floor | Chicago, IL 60603
Phone [312.372.1361](tel:312.372.1361) | Fax [312.372.6599](tel:312.372.6599)

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify Dowd, Bloch, Bennett & Cervone (office@dbb-law.com). Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Dowd, Bloch, Bennett & Cervone. Finally, the recipient should check this email and any attachments for the presence of viruses. Dowd, Bloch, Bennett & Cervone accepts no liability for any damage caused by any virus

transmitted by this email.

--

BARRY M. BENNETT
DOWD, BLOCH, BENNETT & CERVONE
8 South Michigan Avenue | 19th Floor | Chicago, IL 60603
Phone [312.372.1361](tel:312.372.1361) | Fax [312.372.6599](tel:312.372.6599)

--

BARRY M. BENNETT
DOWD, BLOCH, BENNETT & CERVONE
8 South Michigan Avenue | 19th Floor | Chicago, IL 60603
Phone [312.372.1361](tel:312.372.1361) | Fax [312.372.6599](tel:312.372.6599)

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify Dowd, Bloch, Bennett & Cervone (office@dbb-law.com). Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Dowd, Bloch, Bennett & Cervone. Finally, the recipient should check this email and any attachments for the presence of viruses. Dowd, Bloch, Bennett & Cervone accepts no liability for any damage caused by any virus transmitted by this email.

--

BARRY M. BENNETT
DOWD, BLOCH, BENNETT & CERVONE
8 South Michigan Avenue | 19th Floor | Chicago, IL 60603
Phone [312.372.1361](tel:312.372.1361) | Fax [312.372.6599](tel:312.372.6599)

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify Dowd, Bloch, Bennett & Cervone (office@dbb-law.com). Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Dowd, Bloch, Bennett & Cervone. Finally, the recipient should check this email and any attachments for the presence of viruses. Dowd, Bloch, Bennett & Cervone accepts no liability for any damage caused by any virus transmitted by this email.

From: [Barry Bennett](#)
To: [Prokop, Jana C.](#)
Subject: Re: (b) (6), (b) (7)(C)
Date: Thursday, May 29, 2014 4:06:58 PM

Shit. Thanks. Please keep me posted.

On Thu, May 29, 2014 at 3:03 PM, Prokop, Jana C. <Jana.Prokop@nlrb.gov> wrote:

Hi Barry - (b) (6), (b) (7)(C) hasn't showed up yet. A half hour ago, (b) (6), (b) (7)(C) went in to check if (b) (6), (b) (7)(C) was still there and (b) (6), (b) (7)(C) was working at the counter. (b) (6), (b) (7)(C) thought the relief person hadn't arrived yet, so (b) (6), (b) (7)(C) was still working at the registers. (b) (6), (b) (7)(C) is going over again now to check and see if (b) (6), (b) (7)(C) is still there. I'll keep you posted.

Jana Prokop

Field Examiner

National Labor Relations Board, Region 13

209 S LaSalle Street - Suite 900

Chicago, IL 60604

[312-353-8613](tel:312-353-8613) (p) | [312-886-1341](tel:312-886-1341) (f)

<http://www.nlrb.gov>

--

BARRY M. BENNETT
DOWD, BLOCH, BENNETT & CERVONE
8 South Michigan Avenue | 19th Floor | Chicago, IL 60603
Phone 312.372.1361 | Fax 312.372.6599

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify Dowd, Bloch, Bennett & Cervone (office@dbb-law.com). Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Dowd, Bloch, Bennett & Cervone. Finally, the recipient should check this email and any attachments for the presence of viruses. Dowd, Bloch, Bennett & Cervone accepts no liability for any damage caused by any virus transmitted by this email.

From: [Barry Bennett](#)
To: [Prokop, Jana C.](#)
Subject: 5153 W. Chicago
Date: Friday, May 30, 2014 8:16:38 AM

Jana,

This note confirms that we are withdrawing 13-CA-128629. We hope to arrange a meeting that will work and then to refile. I appreciate your understanding and apologize for the unnecessary trouble we put you to.

Please let me now if you have questions.

Thanks.

Barry

--

BARRY M. BENNETT
DOWD, BLOCH, BENNETT & CERVONE
8 South Michigan Avenue | 19th Floor | Chicago, IL 60603
Phone 312.372.1361 | Fax 312.372.6599

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify Dowd, Bloch, Bennett & Cervone (office@dbb-law.com). Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Dowd, Bloch, Bennett & Cervone. Finally, the recipient should check this email and any attachments for the presence of viruses. Dowd, Bloch, Bennett & Cervone accepts no liability for any damage caused by any virus transmitted by this email.

Field Examiner J. Prokop's Contact Log

Case Number 13-CA-128629

Current Date **Time** **Who/what?**

Friday, May 16, 2014 9:50 AM TC to Barry

I am assigned this case. (b) (5), (b) (6), (b) (7)(C) y

(b) (5), (b) (6), (b) (7)(C)
(b) (5), (b) (6), (b) (7)(C)
(b) (5), (b) (6), (b) (7)(C)

Friday, May 16, 2014 2:26 PM VM from Barry

working on (b) (6), (b) (7)(C) availability. Would like me to meet with (b) (6), (b) (7)(C) and then can amend charge.

Wednesday, May 21, 2014 2:36 AM VM to Barry

call me back. He will let me know re (b) (6), (b) (7)(C) availability.

Wednesday, May 28, 2014 10:45 AM VM from Carolyn Oley

she has question re 5153 W Chicago Avenue charge.
847-786-2509

Wednesday, May 28, 2014 2:13 PM VM from Barry

following up on e-mail he sent re witness today.

Thursday, May 29, 2014 12:43 PM VM to Carolyn Oley

phone tag. I will be out this afternoon in an affidavit and have another tomorrow am. I will call you back when I get the chance.

Thursday, May 29, 2014 3:15 PM TC to Barry

witness just got here and (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) does not want (b) (6), (b) (7)(C) name on documents now. He will ask client if they will be withdrawing as witness isn't ready yet.

Friday, May 30, 2014 10:36 AM VM from Carol Oley

client just retained them and they wanted an extension.
847-786-2509

Case Number *13-CA-128629*

Current Date **Time** **Who/what?**

Friday, May 30, 2014 3:02 PM VM to Carol Oley

this case will be withdrawn, so ER doesn't need to respond as of now.
call me if questions.

From: [Prokop, Jana C.](#)
To: ["Caralyn Olie"](#)
Subject: RE: Charge Number 13-CA-128629
Date: Wednesday, June 4, 2014 11:04:00 PM

Hi Cara –

That's correct that no further action is needed. I put the withdrawal through and I see it is waiting for my secretary to draft the letter. Once it issues and I see the letter, I'll e-mail it to you. Thanks!

-Jana

From: Caralyn Olie [mailto:colie@lapointelaw.net]
Sent: Wednesday, June 04, 2014 4:23 PM
To: Prokop, Jana C.
Subject: Charge Number 13-CA-128629

Jana,

I represent Respondent, Lofton Holdings Seven Inc in charge 13-CA-128629. Last we spoke on Friday May 30th, you indicated that the charge was being withdrawn, but likely to be re-filed. I've not received any further information, and just wanted to confirm that no further action was required on the part of the Respondent in this particular charge.

Best regards,
Cara

Caralyn Olie
LaPointe Law, P.C.

1200 Shermer Road, Suite 310 | Northbrook, IL 60062
Phone 847.786.2509 | Fax 847.786.2650
colie@lapointelaw.net | www.lapointelaw.net

Confidentiality Note: This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is strictly prohibited. If you are not the intended recipient, contact the sender via reply email and destroy all copies of the original message.

Circular 230 Disclosure: Any tax advice contained in this message was not intended or written to be used, and cannot be used (i) by any taxpayer for the purpose of avoiding any penalties that may be imposed on the taxpayer, or (ii) to promote, market or recommend to another party any transaction or matter addressed herein.

From: [Prokop, Jana C.](#)
To: ["Carolyn Olie"](#)
Subject: RE: Charge Number 13-CA-128629
Date: Thursday, June 12, 2014 1:42:03 PM
Attachments: [128629 withdrawal approval.docx](#)

Hi Carolyn – I promised to send you the withdrawal letter so here it is. You've probably already received it by hard copy by now.

-Jana



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
209 S La Salle St Ste 900
Chicago, IL 60604-1443

Agency Website: www.nlrb.gov
Telephone: (312)353-7570
Fax: (312)886-1341

June 5, 2014

Caralyn M. Olie, Attorney at Law
1200 N Shermer Rd., Ste 310
Northbrook, IL 60060

Doreen S. Davis, Attorney
Jones Day
222 East 41st Street
New York, NY 10017-6702

Andrew G. Madsen, Esq.
Jones Day
77 W. Wacker Drive, Suite 3500
Chicago, IL 60601-1701

Re: McDonald's/5153 West Chicago Avenue
and McDonald's USA, LLC joint employers
Case 13-CA-128629

Ladies and Gentlemen:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ Peter Sung Ohr

Peter Sung Ohr
Regional Director

cc: Barry M. Bennett, ESQ., Attorney at Law
Dowd, Bloch, Bennett & Cervone
8 S Michigan Ave., Fl 19
Chicago, IL 60603-3315

Workers Organizing Committee of
Chicago
850 W Jackson. Ste 275
Chicago, IL 60607

McDonald's USA, LLC
2111 McDonald's Drive
Oak Brook, IL 60523

Ronnie Lofton
McDonald's
5153 West Chicago Avenue
Chicago, IL 60651

Jp/rd